

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORDAN RINDGEN,

Plaintiff,

vs.

BROOME COUNTY, et al.,

Defendants.

**AMENDED ANSWER OF
DEFENDANTS MICHAEL A.
KORCHAK
AND MARK LOUGHRAN**

Civil Action No.:
3:24-cv-01325-AJB-ML

Defendants Michael A. Korchak and Mark Loughran, as and for their Amended Answer to the Complaint, allege as follows:

IMPORTANT NOTICE

The answering Defendants are no longer employed by the Office of the Broome County District Attorney and do not have access to any of the files or documents in connection with the underlying matter. The answering Defendants have no personal copies of any such files or documents. Accordingly, they cannot affirmatively respond to many of the allegations in the Complaint that refer to specific dates or documents. Where the Complaint includes specific dates or documents, the answering Defendant must, therefore, deny knowledge or information sufficient to form a belief as to the truth or falsity of such allegations.

Responding to the Introduction

1. Admit that portion of the allegations in paragraph 1 of the Complaint that Plaintiff alleges a violation of his civil rights and otherwise denies the remainder of the allegations contained in this paragraph.

2. Deny the allegations contained in paragraph 2 of the Complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Complaint.
4. Deny the allegations contained in paragraph 4 of the Complaint.
5. Deny the allegations contained in paragraph 5 of the Complaint.
6. Deny the allegations contained in paragraph 6 of the Complaint.
7. State that the allegations contained in paragraph 7 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.
8. Deny the allegations contained in paragraph 8 of the Complaint.
9. Deny the allegations contained in paragraph 9 of the Complaint.
10. Deny the allegations contained in paragraph 10 of the Complaint.
11. State that the allegations contained in paragraph 11 of the Complaint refer to the results of judicial proceedings and are referred to the Court for their proper interpretation and application to the facts of this action, if any.

Responding to the Jurisdiction and Venue Allegations

12. State that the allegations contained in paragraph 12 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.
13. State that the allegations contained in paragraph 13 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

14. State that the allegations contained in paragraph 14 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

15. State that the allegations contained in paragraph 15 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

16. State that the allegations contained in paragraph 16 of the Complaint refer to judicial proceedings and are referred to the Court for their proper interpretation and application to the facts of this action, if any.

Responding to the Jury Trial Demand

17. State that the allegations contained in paragraph 17 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

Responding to the Parties Allegations

18. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the Complaint.

19. State that the allegations contained in paragraph 19 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

20. State that the allegations contained in paragraph 20 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

21. State that the allegations contained in paragraph 21 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

22. State that the allegations contained in paragraph 22 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

23. State that the allegations contained in paragraph 23 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

24. State that the allegations contained in paragraph 24 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

25. State that the allegations contained in paragraph 25 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

26. State that the allegations contained in paragraph 26 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

27. State that the allegations contained in paragraph 27 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

28. State that the allegations contained in paragraph 28 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

29. State that the allegations contained in paragraph 29 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

30. State that the allegations contained in paragraph 30 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

31. State that the allegations contained in paragraph 31 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

32. State that the allegations contained in paragraph 32 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

33. State that the allegations contained in paragraph 33 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

34. State that the allegations contained in paragraph 34 of the Complaint are conclusions of law as to which the same are referred to the Court for the proper interpretation and application to the facts of this action, if any.

35. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 35 of the Complaint.

36. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 36 of the Complaint.

Responding to the Statement of Facts

37. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 37 of the Complaint.

38. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 38 of the Complaint.

39. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 39 of the Complaint.

40. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 40 of the Complaint.

41. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of the Complaint.

42. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 42 of the Complaint.

43. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 43 of the Complaint.

44. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 44 of the Complaint.

45. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 45 of the Complaint.

46. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 46 of the Complaint.

47. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 47 of the Complaint.

48. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 48 of the Complaint.

49. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 49 of the Complaint.

50. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 50 of the Complaint.

51. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 51 of the Complaint.

52. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 52 of the Complaint.

53. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 53 of the Complaint.

54. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 54 of the Complaint.

55. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of the Complaint.

56. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 56 of the Complaint.

57. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 57 of the Complaint.

58. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 58 of the Complaint.

59. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 59 of the Complaint.

60. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 60 of the Complaint.

61. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 61 of the Complaint.

62. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 62 of the Complaint.

63. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 63 of the Complaint.

64. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 64 of the Complaint.

65. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 65 of the Complaint.

66. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 66 of the Complaint.

67. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 67 of the Complaint.

68. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 68 of the Complaint.

69. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 69 of the Complaint.

70. Deny the allegations contained in paragraph 70 of the Complaint.

71. Admit that portion of the allegations contained in paragraph 71 of the Complaint that Defendant Herceg initially so testified and aver that she sought to recant such testimony and was not permitted to do so by the presiding Judge.

72. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 72 of the Complaint.

73. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 73 of the Complaint including all sub-parts.

74. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 74 of the Complaint.

75. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 75 of the Complaint.

76. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 76 of the Complaint.

77. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 77 of the Complaint.

78. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 78 of the Complaint.

79. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 79 of the Complaint.

80. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 80 of the Complaint.

81. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 81 of the Complaint.

82. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 82 of the Complaint.

83. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 83 of the Complaint.

84. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 84 of the Complaint.

85. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 85 of the Complaint.

86. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 86 of the Complaint.

87. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 87 of the Complaint.

88. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 88 of the Complaint.

89. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 89 of the Complaint.

90. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 90 of the Complaint.

91. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 91 of the Complaint.

92. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 92 of the Complaint including all sub-parts.

93. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 93 of the Complaint.

94. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 94 of the Complaint.

95. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 95 of the Complaint.

96. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 96 of the Complaint.

97. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 97 of the Complaint.

98. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 98 of the Complaint.

99. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 99 of the Complaint.

100. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 100 of the Complaint.

101. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 101 of the Complaint.

102. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 102 of the Complaint.

103. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 103 of the Complaint.

104. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 104 of the Complaint.

105. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 105 of the Complaint.

106. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 106 of the Complaint.

107. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 107 of the Complaint.

108. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 108 of the Complaint.

109. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations referring to specific dates of meetings or events referred to in paragraph 109 of

the Complaint including all sub-parts and deny the remaining allegations contained in this paragraph and sub-paragraphs.

110. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 110 of the Complaint.

111. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations referring to specific dates of meetings or events referred to in paragraph 111 of the Complaint, admit that the subject of the victim's cell phones was discussed from time to time and denies the remaining allegations contained in this paragraph.

112. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations referring to specific dates of meetings or events referred to in paragraph 112 of the Complaint and admit that Defendant Congdon was so assigned.

113. Deny the allegations contained in paragraph 113 of the Complaint.

114. Deny the allegations contained in paragraph 114 of the Complaint.

115. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 115 of the Complaint.

116. Admit that portion of the allegations contained in paragraph 116 of the Complaint that Defendant Herceg initially so testified and aver that she sought to recant such testimony and was not permitted to do so by the presiding Judge.

117. State that the allegations contained in paragraph 117 of the Complaint refer to the terms of written motions, the terms of which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

118. State that the allegations contained in paragraph 118 of the Complaint refer to the terms of written motions, the terms of which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

119. Admit the allegations contained in paragraph 119 of the Complaint.

120. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 120 of the Complaint.

121. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 121 of the Complaint.

122. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 122 of the Complaint.

123. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 123 of the Complaint including all sub-parts.

124. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 124 of the Complaint.

125. State that the allegations contained in paragraph 125 of the Complaint refer to the results of judicial proceedings and which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

126. Deny the allegations contained in paragraph 126 of the Complaint.

127. Deny the allegations contained in paragraph 127 of the Complaint.

128. Deny the allegations contained in paragraph 128 of the Complaint.

129. Deny the allegations contained in paragraph 129 of the Complaint.

130. Deny the allegations contained in paragraph 130 of the Complaint.

131. Deny the allegations contained in paragraph 131 of the Complaint.

132. Deny the allegations contained in paragraph 132 of the Complaint.

133. Admit the allegations contained in paragraph 133 of the Complaint.

134. Deny the allegations contained in paragraph 134 of the Complaint.

135. Deny the allegations contained in paragraph 135 of the Complaint.

136. Deny the allegations contained in paragraph 136 of the Complaint.

137. Deny the allegations contained in paragraph 137 of the Complaint.

138. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 138 of the Complaint.

139. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 139 of the Complaint.

140. State that the allegations contained in paragraph 140 of the Complaint refer to statutes of the State of New York which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

141. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 141 of the Complaint including all sub-parts.

142. Deny the allegations contained in paragraph 142 of the Complaint.

143. Deny the allegations contained in paragraph 143 of the Complaint.

144. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 144 of the Complaint.

145. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 145 of the Complaint.

146. Deny the allegations contained in paragraph 146 of the Complaint.

147. Deny the allegations contained in paragraph 147 of the Complaint.

148. Deny the allegations contained in paragraph 148 of the Complaint.

149. Deny the allegations contained in paragraph 149 of the Complaint.

150. State that the allegations contained in paragraph 150 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

151. Deny the allegations contained in paragraph 151 of the Complaint.

152. Deny the allegations contained in paragraph 152 of the Complaint.

153. Deny the allegations contained in paragraph 153 of the Complaint.

154. Deny the allegations contained in paragraph 154 of the Complaint.

155. Deny the allegations contained in paragraph 155 of the Complaint including all sub-parts.

156. State that the allegations contained in paragraph 156 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

157. State that the allegations contained in paragraph 157 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

158. State that the allegations contained in paragraph 158 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

159. Deny the allegations contained in paragraph 159 of the Complaint.

160. State that the allegations contained in paragraph 160 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and

application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

161. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 161 of the Complaint including all sub-parts.

162. State that the allegations contained in paragraph 162 of the Complaint refer to the terms of written reports which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

163. State that the allegations contained in paragraph 163 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

164. State that the allegations contained in paragraph 164 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

165. State that the allegations contained in paragraph 165 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

166. State that the allegations contained in paragraph 163 of the Complaint refer to the terms of written motions which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

167. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 167 of the Complaint.

168. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 168 of the Complaint.

169. Deny the allegations contained in paragraph 169 of the Complaint.

170. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 170 of the Complaint.

171. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 171 of the Complaint.

172. State that the allegations contained in paragraph 172 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

173. State that the allegations contained in paragraph 173 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

174. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 174 of the Complaint.

175. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 170 of the Complaint.

176. Deny the allegations contained in paragraph 176 of the Complaint.

177. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 177 of the Complaint.

178. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 178 of the Complaint.

179. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 179 of the Complaint.

180. State that the allegations contained in paragraph 180 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

181. State that the allegations contained in paragraph 181 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

182. State that the allegations contained in paragraph 182 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

183. State that the allegations contained in paragraph 183 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

184. State that the allegations contained in paragraph 183 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

185. State that the allegations contained in paragraph 184 of the Complaint refer to the records of judicial proceedings which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

186. Deny the allegations contained in paragraph 186 of the Complaint.

187. Deny the allegations contained in paragraph 187 of the Complaint.

188. Deny the allegations contained in paragraph 188 of the Complaint.

Responding to the Damages Allegations

- 189. Deny the allegations contained in paragraph 189 of the Complaint.
- 190. Deny the allegations contained in paragraph 190 of the Complaint.
- 191. Deny the allegations contained in paragraph 191 of the Complaint.
- 192. Deny the allegations contained in paragraph 192 of the Complaint.
- 193. Deny the allegations contained in paragraph 193 of the Complaint.
- 194. Deny the allegations contained in paragraph 194 of the Complaint.

Responding to the First Cause of Action

195. In response to paragraph 195 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

- 196. Deny the allegations contained in paragraph 196 of the Complaint.
- 197. Deny the allegations contained in paragraph 197 of the Complaint.

198. State that the allegations contained in paragraph 198 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any.

- 199. Deny the allegations contained in paragraph 199 of the Complaint.
- 200. Deny the allegations contained in paragraph 200 of the Complaint.

Responding to the Second Cause of Action

201. In response to paragraph 201 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

- 202. Deny the allegations contained in paragraph 202 of the Complaint.

203. Deny the allegations contained in paragraph 203 of the Complaint.

204. Deny the allegations contained in paragraph 204 of the Complaint.

205. State that the allegations contained in paragraph 205 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

206. State that the allegations contained in paragraph 206 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

207. Deny the allegations contained in paragraph 207 of the Complaint.

208. Deny the allegations contained in paragraph 208 of the Complaint.

209. Deny the allegations contained in paragraph 209 of the Complaint.

210. Deny the allegations contained in paragraph 210 of the Complaint.

Responding to the Third Cause of Action

211. In response to paragraph 211 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

212. Deny the allegations contained in paragraph 212 of the Complaint.

213. Deny the allegations contained in paragraph 213 of the Complaint.

214. Deny the allegations contained in paragraph 214 of the Complaint.

215. Deny the allegations contained in paragraph 215 of the Complaint.

216. Deny the allegations contained in paragraph 216 of the Complaint.

Responding to the Fourth Cause of Action

217. In response to paragraph 217 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

218. Deny the allegations contained in paragraph 218 of the Complaint.

219. Deny the allegations contained in paragraph 219 of the Complaint including all sub-parts.

220. Deny the allegations contained in paragraph 220 of the Complaint.

221. Deny the allegations contained in paragraph 221 of the Complaint.

Responding to the Fifth Cause of Action

222. In response to paragraph 222 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

223. Deny the allegations contained in paragraph 223 of the Complaint.

224. Deny the allegations contained in paragraph 224 of the Complaint.

225. Deny the allegations contained in paragraph 225 of the Complaint.

226. Deny the allegations contained in paragraph 226 of the Complaint.

227. Deny the allegations contained in paragraph 227 of the Complaint.

228. Deny the allegations contained in paragraph 228 of the Complaint.

229. Deny the allegations contained in paragraph 229 of the Complaint.

Responding to the Sixth Cause of Action

230. In response to paragraph 230 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

231. State that the allegations contained in paragraph 231 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

232. State that the allegations contained in paragraph 232 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

233. State that the allegations contained in paragraph 233 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

234. State that the allegations contained in paragraph 234 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

235. State that the allegations contained in paragraph 235 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

236. State that the allegations contained in paragraph 236 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

237. Deny the allegations contained in paragraph 237 of the Complaint.

238. Deny the allegations contained in paragraph 238 of the Complaint.

239. Deny the allegations contained in paragraph 239 of the Complaint.

240. Deny the allegations contained in paragraph 240 of the Complaint.

241. Deny the allegations contained in paragraph 241 of the Complaint.

242. Deny the allegations contained in paragraph 242 of the Complaint.

243. Deny the allegations contained in paragraph 243 of the Complaint.

244. Deny the allegations contained in paragraph 244 of the Complaint.

245. Deny the allegations contained in paragraph 245 of the Complaint.

Responding to the Seventh Cause of Action

246. In response to paragraph 246 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

247. Deny the allegations contained in paragraph 247 of the Complaint.

248. Deny the allegations contained in paragraph 248 of the Complaint.

249. Deny the allegations contained in paragraph 249 of the Complaint.

250. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 250 of the Complaint.

251. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 251 of the Complaint.

252. Deny the allegations contained in paragraph 253 of the Complaint.

253. Deny the allegations contained in paragraph 254 of the Complaint.

254. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 254 of the Complaint.

255. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 255 of the Complaint.

256. State that the allegations contained in paragraph 256 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

257. Deny the allegations contained in paragraph 257 of the Complaint.

Responding to the Eighth Cause of Action

258. In response to paragraph 258 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

259. Deny the allegations contained in paragraph 259 of the Complaint.

260. Deny the allegations contained in paragraph 260 of the Complaint.

261. Deny the allegations contained in paragraph 261 of the Complaint.

262. Deny the allegations contained in paragraph 262 of the Complaint.

Responding to the Ninth Cause of Action

263. In response to paragraph 263 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

264. Deny the allegations contained in paragraph 264 of the Complaint.

265. Deny the allegations contained in paragraph 265 of the Complaint.

266. Deny the allegations contained in paragraph 266 of the Complaint.

Responding to the Tenth Cause of Action

267. In response to paragraph 267 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

268. State that the allegations contained in paragraph 268 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

269. Deny the allegations contained in paragraph 269 of the Complaint.

270. Deny the allegations contained in paragraph 270 of the Complaint.

271. Deny the allegations contained in paragraph 271 of the Complaint.

272. Deny the allegations contained in paragraph 272 of the Complaint.

Responding to the Eleventh Cause of Action

273. In response to paragraph 273 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

274. Deny the allegations contained in paragraph 274 of the Complaint.

275. Deny the allegations contained in paragraph 275 of the Complaint.

276. Deny the allegations contained in paragraph 276 of the Complaint.

Responding to the Twelfth Cause of Action

277. In response to paragraph 277 of the Complaint, the answering Defendants repeat and reallege the preceding paragraphs of this Answer as if more fully set forth.

278. State that the allegations contained in paragraph 278 of the Complaint are conclusions of law which are referred to the Court for the proper interpretation and application to the facts of this action, if any, and deny the remaining allegations contained in this paragraph.

279. Deny the allegations contained in paragraph 279 of the Complaint.

280. Deny the allegations contained in paragraph 280 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

281. At all times, the answering Defendants acted in good faith.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

282. At all times, the answering Defendants lacked malice or malicious intent.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

283. At all times, the answering Defendants lacked deliberate indifference to the alleged constitutional violations asserted by the Plaintiff.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

284. The answering Defendants are absolutely immune from the claims asserted herein.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

285. The answering Defendants are qualifiedly immune from the claims asserted herein.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

286. The prosecution of the Plaintiff in the underlying action was supported by probable cause or, at least, arguable probable cause.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

287. If it is determined that Defendants Hailey Demkovich and Samantha Herceg lied about what transpired during the events in question, then such falsehoods constituted an

independent intervening cause that breaks the chain of causation from any claims against the answering Defendants.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

288. The answering Defendants reasonably believed the claims asserted by Defendants Hailey Demkovich and Samantha Herceg and such reasonable belief justified the underlying arrest and prosecution.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

289. The actions of the answering Defendants were carried out in fulfillment of their lawful duties to protect the public and ensure compliance with the laws and public policy of the State of New York.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

290. The answering Defendants exercised reasonable supervision and provided adequate training and oversight to their subordinates.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

291. There was no agreement or meeting of the minds between the alleged conspirators to violate the Plaintiff's constitutional rights.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

292. The acts alleged to constitute a conspiracy were undertaken for a legitimate purpose and not to violate the Plaintiff's constitutional rights.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

293. One or more of the causes of action asserted in the Complaint are duplicative and must therefore be stricken or dismissed.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

294. If it is determined that one of more of the causes of action are untimely under the applicable statute of limitations, then such causes of action are barred and must be dismissed.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

295. A grand jury indicted Plaintiff for the crimes charged in the underlying criminal proceeding as a result of which probable cause is presumed, and the County Court denied a motion to dismiss the same. Accordingly, Plaintiff is collaterally estopped from asserting some or all of the claims herein.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

296. If the Court dismisses the federal claims against the answering Defendants, then it lacks jurisdiction over the subject matter of the state law claims and should exercise its discretion and dismiss such state law claims.

AS AND FOR AN SEVENTEENTH AFFIRMATIVE DEFENSE

297. It is determined that Plaintiff failed to mitigate his alleged damages, then any damages awarded herein must be reduced to the extent of the failure to mitigate.

AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE

298. That the culpable conduct on the part of Plaintiff caused or contributed to the events that underlie this action and Plaintiff's claims of damages as a result thereof. Accordingly, Plaintiff's recovery, if any, should be diminished or reduced in the proportion which the culpable conduct on the part of Plaintiff caused or contributed to his alleged damages.

AS AND FOR A NINETEENTH AFFIRMATIVE DEFENSE

299. If some or all of Plaintiff's alleged damages are or will be replaced or indemnified by collateral sources, the answering Defendants claim a collateral source offset for any damages so replaced or indemnified.

AS AND FOR A TWENTIETH AFFIRMATIVE DEFENSE

300. The answering Defendants deny liability for any damages alleged by Plaintiff. However, if liability is assessed against the answering Defendants in a percentage that is less than fifty percent of the total of liability assigned to all persons or entities liable, then the answering Defendants' liability for non-economic loss shall not exceed their equitable share determined in accordance with the relative culpability of each person or entity causing or contributing to the total liability for non-economic loss.

**AS AND FOR A CROSS-CLAIM AGAINST DEFENDANTS
HAILEY DEMKOVICH AND SAMANTHA HERCEG**

301. If it is determined that Defendants Hailey Demkovich and Samantha Herceg lied about the events in questions, then the answering Defendants demand that any liability found against them, which liability is denied, must be apportioned against Defendants Hailey Demkovich and Samantha Herceg for their conduct.

WHEREFORE, the answering Defendants pray for this Court to dismiss the Complaint and the action against them and award such other and further relief as the Court deems fair and proper.

DATED: January 6, 2025

BARCLAY DAMON LLP

By: s/Robert A. Barrer
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Bar Roll No. 101099

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2025, I filed the foregoing Amended Answer of Michael A. Korchak and Mark Loughran with the CM/ECF system which sent notification of such filing to the following:

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